United Nations S/2004/949

Security Council

Distr.: General
6 December 2004
English
Original: French

Letter dated 1 December 2004 from the Chargé d'affaires ad interim of the Permanent Mission of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit the attached statement of the Minister for Foreign Affairs and International Cooperation to members of the Diplo:..atic Corps accredited to the Democratic Republic of the Congo on Wednesday, 1 December 2004.

My Government should be grateful if you would have the text of this statement distributed as a document of the Security Council.

(*Signed*) Nduku **Booto**
Minister Counsellor
Chargé d'affaires ad interim

04-63551 (E) 101204 131204

Annex to the letter dated 1 December 2004 from the Chargé d'affaires ad interim of the Permanent Mission of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Statement of the Minister for Foreign Affairs and International Cooperation to members of the Diplomatic Corps accredited to the Democratic Republic of the Congo

– Your Excellency, Dean of the Diplomatic Corps,

– Your Excellencies, Ambassadors and Heads of Diplomatic and Consular Missions,

– Your Excellencies, Representatives of international organizations and United Nations specialized agencies,

– Distinguished guests,

– Ladies and gentlemen,

Allow me to welcome you to this conference room of the Ministry of Foreign Affairs and International Cooperation with which you are all very familiar.

While I have already had the honour of meeting most of you, I still felt it necessary for us to get together to address matters of common interest.

Obviously, discussions among us should be conducted in a normal and peaceful atmosphere ...

Unfortunately, my diplomatic schedule has not always allowed me time for us to meet more often. However, I have been forced by current circumstances to invite you this afternoon to brief you on the serious situation threatening regional peace and security.

That situation is bound to adversely affect the fragile stability of the Democratic Republic of the Congo.

The 1999 Lusaka Ceasefire Agreement was supposed to mark the end of the conflict which tore our country apart. On 17 December 2002, following long and arduous internationally mediated discussions, the various Congolese parties signed a Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo in Pretoria. That document was adopted on 1 April 2003 in Sun City. In addition to the signatures of representatives of the Congolese social and political forces, the text also carried the signatures of Mr. Thabo Mbeki, President of the Republic of South Africa and then Chairman of the African Union, and Mr. Moustapha Niasse, Special Envoy and representative of the Secretary-General of the United Nations.

Through the International Committee, the international community is responsible for guaranteeing and supporting the transition programme in the Democratic Republic of the Congo.

The purpose of our invitation today, is therefore to inform you, as guarantors of the peace and stability of the Democratic Republic of the Congo, of the grave situation that President Paul Kagame is creating.

Your Excellency, Dean of the Diplomatic Corps,

Distinguished Ambassadors,

Distinguished guests,

Ladies and gentlemen,

Let us come to the crux of the matter. Yesterday, 30 November 2004, in his statement before the Rwandan Senate, President Paul Kagame confirmed his Government's determination to send troops into the Democratic Republic of the Congo under the false pretext of hunting down ex Forces Armées Rwandaises (FAR) elements and the Interahamwe.

That statement by President Kagame followed the statement he had made two days earlier in Dakar during his visit of 25 November and reiterated before the ambassadors and representatives of 15 member countries of the Security Council when they visited Kigali.

In my Government's view, President Kagame is merely using the fight against the ex-FAR and Interahamwe as an excuse to return to the Democratic Republic of the Congo after being forced to withdraw his troops pursuant to the 30 July 2002 agreement signed in Pretoria.

Your Excellency, Dean of the Diplomatic Corps,

Distinguished Ambassadors,

Distinguished guests,

Ladies and gentlemen,

The issue of the Interahamwe and ex-FAR is covered under annex A, chapter 8.2.2, of the Lusaka Agreement concerning the neutralization and repatriation of armed groups operating on the territory of the Democratic Republic of the Congo.

To that end, following several meetings, we put in place a comprehensive three-tier arrangement:

Bilateral level: We signed on 22 September 2004 in New York, under the auspices of the United Nations Secretary-General and of the Chairman of the African Union, a protocol concerning the terms of reference of the Joint Verification Mechanism.

The purpose of that agreement was to establish a mechanism capable of verifying, investigating and reporting all the allegations of the parties and carrying out impromptu investigations on the territories of either country.

The Mechanism held its first meeting in Kigali with the United Nations Organization Mission in the Democratic Republic (MONUC) acting as the secretariat. Joint verification teams were set up.

A document defining the concept of operations was signed last week by our two countries and work on the ground should normally begin this week. I must confess at this juncture that we were seriously considering reopening our embassy in Kigali.

Trilateral level: On 26 October 2004, the Democratic Republic of the Congo, Rwanda and Uganda signed a Tripartite Agreement on regional security which was facilitated by the United States of America with the participation of the European Union and the African Union.

Under article II of that agreement, "the parties commit themselves, on the basis of national efforts, in accordance with international law, in consultation with each other, and with the assistance of a regional force and/or MONUC, to disarm, demobilize, reintegrate and resettle all armed rebel groups and militias".

The ex-FAR and Interahamwe are specifically included among those armed rebel groups and militias. The Agreement establishes a Tripartite Joint Commission consisting of a Council of Ministers composed of the Ministers of Foreign Affairs and the Ministers of Defence.

Two Technical Sub-Commissions on Security and Defence matters and on Diplomatic affairs, respectively, were also established.

It should be noted that under article II, paragraph 4, the signatory parties had from the date of signing of the Agreement, between six to twelve months to disarm and demobilize the armed rebel groups and militias.

Regional level: On 20 November 2004, at the end of the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region, which was supported by the entire international community, 11 Heads of State of the Region, including President Kagame, signed the Dar-es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region.

That Declaration was supposed to mark an end of conflict in the Region and the ushering in of an era of peace, security, good governance, democracy and integrated development.

Concerning priority policy options and guiding principles, I would like to point out that, under paragraph 17 of the Declaration, the parties commit themselves to "fully support the national peace processes in the region and refrain from any acts, statements or attitudes likely to negatively impact them, including through the media".

Pursuant to all the foregoing commitments, the Democratic Republic of the Congo, through its armed forces, specifically through the commanders of the tenth military region and with the logistical support of MONUC, launched a disarmament operation at the beginning of November in Walungu district to persuade the Rwandan Hutu rebels to lay down their weapons and register for voluntary repatriation to their country.

As recently as last week, a Congolese armed forces (FARDC) officer was killed in clashes. It was during those operations that a rocket fired on FARDC elements apparently fell on Rwandan territory, slightly injuring three people.

Your Excellency, Dean of the Diplomatic Corps,

Distinguished Ambassadors,

Distinguished guests,

Ladies and gentlemen,

Rwanda is a neighbouring country. We can change our friends but we cannot choose our neighbours. We therefore have to live together with Rwanda in the same neighbourhood.

However, living together must be based on rules, including the rules of international law. Unless there is a hidden agenda, borders, the inviolability of which we all acknowledge, must be respected; the national sovereignty of other countries must also be respected and we must learn not to resort to threats and force to settle our problems and differences.

Above all, we must honour commitments to which we have voluntarily subscribed. A State that does not abide by international laws, does not keep its word, fails to abide by the agreements it has signed and defies the Security Council and the institutions of the African Union, becomes a threat and a source of instability.

The Government of the Democratic Republic of the Congo knows perfectly well what it has to do to resolve the Interahamwe issue, which is a security problem for Rwanda. The most recent figures speak of 10,000 to 120,000 men, including 4,000 combatants. Everyone agrees that these elements do not pose a major and imminent threat for Rwanda today.

Furthermore, notwithstanding its own difficulties in trying to establish an integrated national army, the Congolese Government has committed itself, as we noted earlier, to settling this matter.

It is the Congolese people, our women and daughters who are raped by the Interahamwe, our soldiers who are killed, our environment that is sacrificed ...

Consequently, we wonder about the real reasons behind President Kagame's desire to invade Congolese territory.

We must point out that the Interahamwe did not come into our country at our invitation. The international community must accept its share of responsibility.

That is why we invite your Excellency, the Dean of the Diplomatic Corps and the distinguished Ambassadors gathered here to inform your respective governments about the Congolese people's indignation over this serious violation of international law.

The Security Council has been seized of this serious threat to peace and we expect the international community to take a firm stand on this matter.

It is of the utmost urgency that the international community should put an end to the constant challenge posed by Rwanda and its defiance and deliberate intention to disturb peace and security in the Great Lakes Region.

President Kagame's conclusion that MONUC and the armed forces of the Democratic Republic of the Congo failed to disarm the ex-FAR and Interahamwe is premature because one can talk about failure only after the agreed time frame for disarmament of between six and twelve months has expired.

Furthermore, we have no assurance that the Rwandan intervention will succeed because the Rwandan has already taken the field against ex-FAR and Interahamwe in the areas they occupy without being able to wipe them out.

Our feeling today is that Kigali is pursuing objectives other than those of disarming the ex-FAR and Interahamwe.

In conclusion, while we recognize Rwanda's right to live in peace and security within its borders, we do not believe it has the right to sow terror in Congolese territory.

It cannot arrogate to itself the right to cross our borders when and as it deems fit to hunt down the Interahamwe.

During his meeting with President Kabila on 26 November 2004, President Kagame submitted three proposals on how to neutralize the ex-FAR and Interahamwe:

1. Allowing the Rwandan Armed Forces to set up a forward base 100 kilometres deep in Congolese territory with a view to disarming the armed groups;

2. Collaborating with the Congolese Armed Forces in order to disarm the Interahamwe and ex-FAR;

3. Placing the Rwandan Armed Forces under Congolese command.

None of these proposals was acceptable and President Kabila rejected them, although some African countries felt it necessary to support them.

We rejected all those proposals because we had already put in place a whole array of arrangements which Rwanda has found many pretexts to complicate in order not to see them implemented.

We believe that it serves no purpose to pile up agreements and arrangements if neither party is willing to abide by them.

The Congolese Government is willing to accept any assistance, as provided by the relevant texts, from African States and its partners, including MONUC, to settle, by force if necessary, the Interahamwe and ex-FAR issue.

Distinguished ambassadors, we expect you to explain to your respective governments the situation created on our borders and its potential to derail the current transition in the Democratic Republic of the Congo.

I would like to thank you for anything you might do to ease the tension so that we can at the same time ensure that our transition is smooth and leads to the holding of elections.

Thank you.